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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,148	12/13/2001	David Michael Matela	16258	3181

23556 7590 09/16/2005

KIMBERLY-CLARK WORLDWIDE, INC.
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EXAMINER

SALVATORE, LYNDIA

ART UNIT PAPER NUMBER

1771

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/023,148	Applicant(s) MATELA ET AL.	
	Examiner Lynda M. Salvatore	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 41-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 41-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's remarks filed 06/27/05 have been fully considered and entered. Applicant's remarks are not found persuasive of patentability for reasons set forth herein below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-6,12-18,20, and 41-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over of Jackson et al., US 5,952,251 in view Everett et al., US 6,437,214 for reasons set forth in the last Office Actions dated 07/25/04 and 02/01/05.

Applicant argues that the secondary reference does not disclose or suggest forming a coform nonwoven web having a substantially uniform structure. Applicant acknowledges that Everett et al., teach homogenously mixing the super-absorbent particles with the hydrophilic fibers, but argues that Everett et al., only exemplifies non-uniform coform mixtures. This argument is not found persuasive. The Examiner maintains that the primary reference of Jackson et al., teach all of the chemical and/or structural limitations set forth in the rejected claims, but fails to teach a uniform mixture. The secondary reference of Everett et al., was relied upon to evidence that is known the art to homogenously mix particulate matter with fiber materials. Though, Everett et al., fails to exemplify such a homogenously mixture it would be improper to ignore the disclosure directed to providing such a mixture. As such, it is the position of the Examiner that the combination of prior art renders the instant invention obvious.

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4. Claims 1,2,6-8,12,14, 20, 41-46 and 51-54 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Neely et al., PCT WO 00/66824 in view of Everett et al., US 6,437,214 for reasons set forth in the last Office Actions dated 07/25/04 and 02/01/05.

The above arguments made in section three are equally applicable to the combination of Neely et al., in view of Everett et al. Applicant has not set forth any specific new arguments for which to consider.

5. Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson et al., US 5,952,251 and/or Neely et al., PCT WO 00/66824 in view of Everett et al., US 6,437,214, as applied to claim 1 above, and further in view of Fontenot et al., PCT WO 00/34567 for reasons set forth in the last Office Actions dated 07/25/04 and 02/01/05.

The rejection of claim 1 from which claims 10 and 11 depend is maintained and Applicant has not presented any new arguments for which to consider.

6. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neely et al., PCT WO 00/66824 in view of Everett et al., US 6,437,214, as applied to claims 1 and 8 above, and further in view of NIPPON ESTER CO LTD, JP 2001181932 A for reasons set forth in the last Office Actions dated 07/25/04 and 02/01/05.

The rejection of claims 1 and 8 from which claims 9 and 19 depend are maintained and Applicant has not presented any new arguments for which to consider.

7. Claims 47-50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over of Jackson et al., US 5,952,251 in view Everett et al., US 6,4378 for reasons set forth in the last Office Action dated 02/01/05.

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The above arguments made in section three are equally applicable to the combination of Jackson et al., in view of Everett et al. Applicant has not set forth any specific new arguments for which to consider.

8. Claims 47-50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Neely et al., PCT WO 00/66824 in view Everett et al., US 6,437,214 for reasons set forth in the last Office Action dated 02/01/05.

The above arguments made in section three are equally applicable to the combination of Neely et al., PCT WO 00/66824 in view of Everett et al. Applicant has not set forth any specific new arguments for which to consider.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M. Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 12, 2005

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TERREL MORRIS
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